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FM SECSTATE WASHDC
TO GENERALIZED SYSTEM OF PREFERENCES COLLECTIVE IMMEDIATE
AMEMBASSY BAGHDAD
AMEMBASSY BELGRADE
AMCONSUL CASABLANCA
AMCONSUL JERUSALEM
AMEMBASSY KYIV
AMEMBASSY LIBREVILLE
AMEMBASSY MANAGUA
AMEMBASSY MONROVIA
AMEMBASSY NDJAMENA
AMEMBASSY SANTIAGO

UNCLAS STATE 127448

PLEASE PASS TO LABOR REPORTING OFFICERS

E.O. 12958: N/A
TAGS: ELAB FIND ETRD PHUM SOCI USAID
SUBJECT: REQUEST FOR CHILD LABOR INFORMATION FOR TRADE
AND DEVELOPMENT ACT (GSP) 2008 REPORT

REF: A: 07 STATE 149662
REF: B: 07 STATE 158223
REF: C: 08 STATE 122407
REF: D: 08 STATE 43120

¶11. This is an action request. Please see summary
paragraph (para) 2 and paras 6 through 11 for specific
information requested.

¶12. Summary: This is a request for information to
determine if countries eligible for trade benefits under
the Generalized System of Preferences (GSP) program are
implementing their international commitments to eliminate
the worst forms of child labor, (see para 11 for
definition) as required under the Trade and Development
Act (TDA) of 2000. DOL will use the information in
preparation of the 2008 TDA report. Responses are
requested from all Posts except those noted in para 3 by
January 16, 2009.

¶13. This cable is being sent to Geneva, Kuala Lumpur,
Ottawa, Tokyo, Treasury, and USEU as information only.
For Canberra, London and Paris, reporting is requested on
overseas territories only. For Jerusalem, reporting is
requested on West Bank and Gaza only. For your
information, DOL's 2007 Findings on the Worst Forms of
Child Labor Report is available at
<http://www.dol.gov/ilab/programs/ocft/PDF/2007OCFTreport.pdf>

¶14. Background: Under the TDA, the President shall not
designate a country for benefits under the GSP Program,
the African Growth and Opportunity Act (AGOA), the Andean
Trade Preference Act (ATPA)/Andean Trade Promotion and
Drug Eradication Act (ATPDEA), or the Caribbean Basin
Trade Partnership Act (CBTPA) if it has failed to
implement its international commitments to eliminate the
worst forms of child labor.

¶15. The TDA requires the Secretary of Labor to prepare
findings "with respect to the beneficiary country's
implementation" of such commitments. (Congress has
clarified that the report should include former GSP
countries that have negotiated free trade agreements with
the United States.) The information received from posts
is critical to the presentation of an accurate picture of
country efforts, and thus USG determinations of a
country's continuing eligibility for trade benefits. Due
to the difficulty of separating the worst forms of child
labor from other forms of work, the TDA report presents
as complete a picture as possible of child labor in a
country. Child labor and the worst forms of child labor
are distinct from light work, which is legal and not the

subject of the TDA report. (See paragraphs 11 and 12 for more information and specific definitions of these concepts.)

¶6. Action request: Posts are requested to provide current information on child labor and the worst forms of child labor in the host country and government efforts to address these problems. Posts are requested to provide responses to DOL via unclassified cable as information will be cited in the TDA report. Please note that DOL is unable to cite classified or SBU cables in the TDA report.

¶7. Posts are requested to contact appropriate host government officials, including representatives in the Ministries of Labor, Education, Family, and Justice; international organizations such as the ILO and UNICEF; and NGOs to determine the nature of child labor and the worst forms of child labor in the country and the extent to which the government is working to eliminate them. Posts are also encouraged to contact USG agency counterparts (e.g., USAID, Peace Corps, and DHS officials, to gain the most complete picture of child labor and host country efforts. (See para 9 for specific information requested.)

¶8. In addition to information supplied by posts, DOL will gather information from governments, international organizations, and NGOs as well as through in-country research. DOL will solicit public comments through a Federal Register Notice to be released by December 12 that will be available at <http://www.dol.gov/ilab/programs/ocft/news.htm>. DOL will notify Washington embassies of the request for information and requests posts alert host country officials in turn of the Federal Register Notice. Post should indicate to country officials that responses to the Notice should be sent by January 16, 2009, directly to the Office of Child Labor, Forced Labor and Human Trafficking (OCFT) at 200 Constitution Avenue NW, Room S-5317, Washington, DC 20210. Phone: (202) 693-4846, fax: (202) 693-4830, email: mccarter.tina@dol.gov, attn. Tina McCarter.

¶9. Information requested: DOL requests information on the topics listed in points A through E below for the period March 2008 to the present. Post research and reporting should focus on new developments in sectors and goods in which children work; child labor legislation; law enforcement, including information on violations and prosecutions; and government policies and programs.

A) Laws and regulations proscribing the worst forms of child labor. Please provide answers to the following questions:

- What laws have been promulgated on child labor in the country?
- What is the country's minimum age for admission to work?
- Are there exceptions to the minimum age law?
- What is the minimum age for admission to hazardous work, and what additional provisions has the country enacted regarding children's involvement in hazardous work?
- What laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography?
- Please specify what worst forms are prohibited and describe penalties for violations.
- What is the country's minimum age for military recruitment and/or involvement in armed conflict?
- If the country has ratified ILO Convention 182 on the Worst Forms of Child Labor, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

Please note that because proposed legislation may take years to approve, DOL reports only on laws that have actually been enacted. Specifics on the status of the

laws on which Posts report are greatly appreciated.

B) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor
Please provide answers to the following questions:

-What legal remedies are available to government agencies that enforce child labor and worst forms of child labor laws (civil fines, criminal penalties, court orders), and are they adequate to punish and deter violations?

-To what extent are violations investigated and addressed?

-What level of resources does the government devote to investigating child labor and worst forms of child labor cases throughout the country?

- How many inspectors does the government employ to address child labor issues?

- How many police or other law enforcement officials address worst forms of child labor issues?

- How many child labor investigations have been conducted over the past year and how many have resulted in fines, penalties, or convictions?

- How many investigations into worst forms of child labor violations have been conducted over the past year and how many have resulted in prosecutions and convictions?

-Has the government provided awareness-raising and/or training activities for officials charged with enforcing child labor laws or worst forms of child labor laws?

C) Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor. Please provide answers to the following questions:

-What initiatives has the government supported to prevent children from entering exploitative work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families?

Examples: These initiatives could include cash transfer programs that specifically target families with working children to enable children to leave work and enter school, establishing shelters for child trafficking victims, or other programs. Note: Since the focus of the report is on government efforts, reporting is requested ONLY on initiatives carried out by the government or by NGOs that receive government support. (If possible, please provide information on funding levels for such initiatives.)

D) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor? Please provide answers to the following questions:

-Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor?

- Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs, such as Poverty Reduction Strategy Papers, etc?

- If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

-Is education free in law and in practice? Is education compulsory in law and in practice?

Please note that although many anti-poverty programs may have indirect impacts on child labor, the TDA calls for governments to take specific actions to address the problem. For that reason, the TDA report focuses and responses should focus on efforts that name child labor as an explicit objective, target group, or condition for participation in government policies and programs.

E) Is the country making continual progress toward eliminating the worst forms of child labor?

- What are the specific sectors/work activities/goods in which children work and how has this changed over the past year? Please note where possible any relevant characteristics about the children involved including gender, ethnic group, religion, age, etc.

Note: In order to provide comparable statistics on child work and education across countries in the TDA report, DOL relies on the Understanding Children's Work project (see <http://www.ucw-project.org/>) and UNESCO Institute of Statistics data (<http://stats.uis.unesco.org/>); such data is NOT/NOT being requested of Posts.

¶10. Although the TDA covers a broader range of childrens work activities, Posts should bear in mind their responses to State 43120, Request for Information on Forced Labor and Child Labor in the Production of Goods for Mandatory Congressional Reporting Requirements, when responding to this cable and provide any necessary updates. Posts that failed to respond to State 43120 should expect to receive a follow-up tasking cable in the next month (see para 13 for a list of these Posts).

11.DOL greatly appreciates the extent to which Posts can provide online citations or copies of source materials, as DOL assesses all sources for quality. In particular, if Posts have access to recent government child labor surveys or data sets, such information is most appreciated. Please email source materials to mccarter.tina@dol.gov. If sources are available in hard copy only, please pouch them to the address listed in para 8.

12.Posts are requested to reply with updated information by January 16, 2009. Posts are requested to submit all replies via unclassified cable, ACTION Secstate and Department of Labor, slugged DOL/ILAB for Tina McCarter and DRL/ILCSR for Tu Dang, and INFO Geneva. Questions regarding this request may be directed to Tina McCarter at (202) 693-4846, or by e-mail at mccarter.tina@dol.gov. Please note that DOL will issue a second and final global request for assistance with the 2008 report in June 2009, when Posts will be requested to comment on draft country reports to be released in September 2009.

13.The following Posts should also expect to receive a tasker from DOL in early 2009, following up on State 43120: Antananarivo (for Comoros), Asmara, Baghdad, Beirut, Brazzaville, Bridgetown (for Barbados Dominica, Grenada St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines), Bujumbura, Colombo, Dakar (for Guinea-Bissau), Harare, Jerusalem (for West Bank & Gaza), Kingston, Libreville (for Sao Tome and Principe), Lima, Luanda, Managua, New Delhi (for Bhutan), Nouakchott, Port Louis (for Seychelles), Port Moresby (for Solomon Islands), and Yerevan. This notification is provided so that research efforts for the two taskers can be combined as appropriate.

¶14. Washington greatly appreciates posts' continued assistance.

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